

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION**

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NOVARTIS AG, NOVARTIS  
PHARMACEUTICALS CORPORATION,  
MITSUBISHI TANABE PHARMA  
CORPORATION, and MITSUI SUGAR CO.,  
LTD

Plaintiffs,

v.

EZRA VENTURES, LLC

Defendant.

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Civil Action No. 4:15-cv-00095-KGB

**PLAINTIFFS' NOTIFICATION TO THE COURT REGARDING THEIR  
MOTION TO STAY THE SECOND-FILED CASE  
IN THE EASTERN DISTRICT OF ARKANSAS**

Plaintiffs file this notification to alert the Court of three recent developments in the first-filed litigation with Ezra in Delaware, and to assist the Court with its resolution of Plaintiffs' Motion to Stay the second-filed litigation in Arkansas.

On June 22, 2015, the Delaware district court denied Ezra's motion for certification of interlocutory appeal of the order denying Ezra's motion to dismiss for lack of personal jurisdiction. *See* Ex. A, Transcript of Teleconference at 23, *Novartis AG v. Ezra Ventures LLC*, C.A. No. 15-150-LPS (D.Del.) ("Having given it a lot of thought and had some questions answered today, I am going to go ahead and deny the 1292(b) motion that is the request from the two sets of defendants on the call today for certification of an interrogatory appeal."); *see id.* at 26 ("I am also concerned, as I raised during the discussion, about piecemeal litigation which

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generally we try to avoid...."); *id.* at 27 (acknowledging existence of a third Gilenya patent, rejecting argument that this Court's scheduling order set earlier deadlines than the proposed Delaware order, and recognizing "there are no circumstances in which the defendants could be marketing their generic products until more than two years from now, in September of 2017 based on their paragraph III filings.")

On June 23, 2015, the Delaware district court issued the attached oral order denying Ezra's motion for certification. *See* Ex. B, C.A. 15-150, D.I. 40, Oral Order ("For the reasons stated during yesterday's teleconference, it is HEREBY ORDERED that Defendant's Motion for Certification for Interlocutory Appeal and Corresponding Written Order (D.I. 30) is DENIED.").

On June 24, 2015, the Delaware district court entered the attached Scheduling Order, denying Ezra's request that its Delaware case be treated differently from the other Delaware Gilenya litigations, and coordinating all three Delaware Gilenya cases for all pre-trial purposes. *See* Ex. C, C.A. 15-150, D.I. 41, Scheduling Order.

Dated: July 2, 2015

Respectfully submitted,

/s/ Clifford W. Plunkett

Clifford W. Plunkett (Ark. Bar No. 95158)

Friday, Eldredge & Clark, LLP

3425 North Futrall Drive, Suite 103

Fayetteville, AR 72703

(479) 695-2011

Plunkett@fridayfirm.com

And

Martin A. Kasten (Ark. Bar No. 99100)  
Friday, Eldredge & Clark, LLP  
400 West Capitol Ave., Suite 2000  
Little Rock, AR 72201  
(501) 376-2011  
MKasten@fridayfirm.com

*Attorneys for Novartis AG, Novartis  
Pharmaceuticals Corporation, Mitsubishi Tanabe  
Pharma Corporation, and Mitsui Sugar Co., Ltd.*

OF COUNSEL:

Jane M. Love, Ph.D.  
Robert Trenchard  
WILMER CUTLER PICKERING  
HALE AND DORR LLP  
7 World Trade Center  
250 Greenwich Street  
New York, NY 10007  
(212) 937-7233

jane.love@wilmerhale.com  
robert.trenchard@wilmerhale.com

Joseph M. O'Malley  
Eric W. Dittmann  
Yousef M. Mian  
PAUL HASTINGS LLP  
75 East 55th Street  
New York, NY 10022  
(212) 318-6000

josephomalley@paulhastings.com  
ericdittmann@paulhastings.com  
yousefmian@paulhastings.com

*Attorneys for Mitsubishi Tanabe Pharma  
Corporation and Mitsui Sugar Co., Ltd.*

Kevin S. Prussia  
WILMER CUTLER PICKERING  
HALE AND DORR LLP  
60 State Street  
Boston, MA 02109  
(617) 526-6000

kevin.prussia@wilmerhale.com

*Attorneys for Novartis AG and Novartis  
Pharmaceuticals Corporation*

**CERTIFICATE OF SERVICE**

I, Clifford W. Plunkett, hereby certify that on July 2, 2015, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to all counsel of record.

Kyle R. Wilson  
Richard Blakely Glasgow  
WRIGHT, LINDSEY & JENNINGS LLP  
200 W. Capitol Ave., Suite 2300  
Little Rock, AR 72201  
Fax (501) 376-9442  
Email: kwilson@wlj.com  
bglasgow@wlj.com

Shashank Upadhye (*pro hac vice*)  
Joseph E. Cwik (*pro hac vice*)  
Jonathan Kri (*pro hac vice*)  
AMIN TALATI & UPADHYE  
55 W. Monroe St., Suite 3400  
Chicago, IL 60603  
Email: ezra-fingolimod@amintalati.com

/s/ Clifford W. Plunkett

Clifford W. Plunkett